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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**PLAINTIFFS ORACLE USA, INC.,
ORACLE AMERICA, INC., AND
ORACLE INTERNATIONAL
CORPORATION'S MOTION TO
SEAL MOTION FOR
PRESERVATION ORDER AND
DECLARATION OF KIERAN
RINGGENBERG IN SUPPORT OF
MOTION FOR PRESERVATION
ORDER**

PLAINTIFFS' MOTION TO SEAL

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 [Docket No. 55] ("Protective Order") and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation (together "Oracle" or "Plaintiffs") respectfully request that the Court order the Clerk of the Court to file under seal the Motion for Preservation Order ("Motion"), the Declaration of Kieran P. Ringgenberg ("Declaration"), and Exhibits B, G, T, U, and V-DD ("Exhibits") thereto. Unredacted versions of Motion, Declaration and Exhibits were lodged under seal with the Court on August 24, 2010 [Docket #80, 84]. Redacted versions of the Motion, Declaration and Exhibits were also publicly filed on the Court's ECF website on August 24, 2010 [Docket #82, 83.]

For sealing requests relating to non-dispositive motions, such as Plaintiffs' Motion for a Preservation Order sanctions, the presumption of public access to court filings may be overcome by a showing of good cause under Rule 26(c). *See Pintos v. Pacific Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010); *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The Court has "broad latitude" under Rule 26(c) "to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information." *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

Specifically, Oracle requests that the following documents and references be sealed:

(1) Transcript of the Deposition of Joseph Dones taken on August 12, 2010 regarding Rimini's information technology infrastructure and designated as Highly Confidential under the Protective Order (**Exhibit B**);

(2) Documents produced by Rimini regarding its technology infrastructure and policies and designated Confidential and Highly Confidential [RSI00050053-7 (**Exhibit G**) and RSIH0020000118 (**Exhibit T**)];

(3) Attachment D to Rimini's Responses to First Set of Interrogatories identifying Rimini employees formerly employed by TomorrowNow, and designated as Confidential under

1 the Protective Order (**Exhibit U**);

2 (4) Instant messages produced by SAP AG, SAP America, Inc. and TomorrowNow,
3 Inc. and designated as Confidential under the Protective Order (**Exhibits V-DD**);

4 (5) The unredacted version of the Motion lodged with the Court that contains
5 quotations from items (1) through (4) above.

6 Sealing the Motion, Declaration and Exhibits is requested because the documents
7 contains information designated by Defendants Rimini Street, Inc. (“Rimini”) and Seth Ravin
8 (“Ravin”) and third parties, SAP AG, SAP America, Inc. and TomorrowNow, Inc. as
9 “Confidential” or “Highly Confidential — Attorneys Eyes’ Only” under the terms of the
10 Protective Order. The requested relief is necessary and narrowly tailored to protect the
11 confidentiality of the commercially sensitive business information identified by the designating
12 parties. The Protective Order provides that: “Counsel for any Designating Party may designate
13 any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information -
14 Attorneys’ Eyes Only’ under the terms of this Protective Order **only if such counsel in good**
15 **faith believes that such Discovery Material contains such information and is subject to**
16 **protection under Federal Rule of Civil Procedure 26(c).** The designation by any Designating
17 Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential
18 Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the
19 Designating Party reasonably believes there is a valid basis for such designation.” Protective
20 Order ¶ 2 (emphasis added).

21 Thus, in identifying the Exhibits as “Confidential” or “Highly Confidential – Attorneys
22 Eyes Only,” the designating parties have represented that good cause exists for sealing the
23 Exhibits, and Motion and Declaration referencing the Exhibits. This is a sufficient showing of
24 good cause to permit a sealing order on a non-dispositive motion. *See, e.g., Pacific Gas and*
25 *Elec. Co. v. Lynch*, 216 F. Supp. 2d 1016, 1027 (N.D. Cal. 2002).

26 Oracle has prepared redacted versions of these filings for the Court’s public files, which
27 would allow public access to the filings except for those portions containing information
28 designated as Confidential or “Highly Confidential – Attorneys Eyes Only” by other parties

1 under the Protective Order. Accordingly, the request to seal is narrowly tailored.

2 For the foregoing reasons, Oracle respectfully requests that the Court find that good cause
3 exists to file under seal, the Motion, Declaration and Exhibits.

4
5 DATED: August 24, 2010

BOIES SCHILLER & FLEXNER LLP

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7 By: /s/ Kieran P. Ringgenberg
8 Kieran P. Ringgenberg
9 Attorneys for Plaintiffs
10 Oracle USA, Inc., Oracle America, Inc.,
and Oracle International Corp.